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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,392	07/22/2003	Douglas D. Lopata	Lopata 14	6820
7590 09/09/2005				
Mark D. Simpson Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER BERHANU, SAMUEL	
			ART UNIT 2838	PAPER NUMBER
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/624,392

Applicant(s)

LOPATA, DOUGLAS D.

Examiner

Samuel Berhanu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 10-12 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Brys (5,706,239).

Regarding Claims 1, 10 and 13, Brys discloses in Figures 1 and 3 a PCMCIA card including a secondary device that provides functionality to a primary device when said PCMCIA device is coupled to said primary device, said primary device providing power to said PCMCIA card at a maximum current and power level, and said secondary device having operating characteristics that, at least at certain times, exceed said maximum current level, said PCMCIA card comprising: a storage battery (12) capable of delivering power at a current and/or power level that exceeds the maximum current and/or power level provided by said primary device (23,22), whereby said PCMCIA card (10) is configured to couple said secondary device to said storage battery on demand to provide said secondary device with power at a current and/or power level that exceeds the maximum current and/or power level provided by said primary device (Column 4, lines 51-58) .

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Regarding Claims 2, 11 and 14, Brys discloses in Figure 3, a battery charging circuit; coupleable between said primary device and said storage battery (42); whereby said battery charging circuit is configured to recharge said storage battery (Column 4, lines 59-67).

Regarding Claim 12, Brys discloses in Figure 1, wherein said storage battery (12) is built into said PCMCIA card (Column 5, lines 3-6)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4, 9, 15-16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brys (5,706,239) in view of Miller (6, 199,168).

Regarding Claims 3 and 15, Brys discloses the claim limitation, except said secondary device comprises a device that provides wireless functionality to said primary device. However, Miller discloses in Figures 1-3, said secondary device comprises a device (22) that provides wireless functionality (30) to said primary device (20). It would have been obvious to a person having ordinary skill in the art to modify Brys's rechargeable SRAM/Flash PCMCIA card apparatus and add a cellular modem with radio transceiver as taught by Miller in order to provide wireless signal transfer.

Regarding Claims 4 and 16, Miller discloses in Figures 2, wherein said secondary device further comprises a device that provides cellular functionality to said primary device (Column 2, lines 22-26).

Regarding Claims 9 and 21, Brys discloses the claim limitation , except said storage battery comprises one or more Lithium Ion batteries. However, Miller discloses in Figure 3, said storage battery (50) comprises one or more Lithium Ion batteries (Column, lines 43-46). It would have been obvious to a person having ordinary skill in the art to modify Brys's rechargeable SRAM/Flash PCMCIA card apparatus and use a Lithium Ion batteries as taught by Miller in order to provide high initial energy capacitance and a good capacitive retention after repeated charge and discharge cycle.

5. Claims 5-8 and 17 –20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brys (5,706,239) in view of Izumiyama et al. (6,838,932).

Regarding Claims 5 and 17, Brys discloses the claim limitation, except that wherein said secondary device includes a power amplifier that has power requirements that exceed said maximum current and/or power level.

Izumiyama et al. disclose in Figures 1 and 2 wherein said secondary device includes a power amplifier that has power requirements that exceed said maximum current and/or power level (Column 5, lines 53-66). It would have been obvious to a person having ordinary skill in the art to modify Brys's rechargeable SRAM/Flash PCMCIA card apparatus and add a power amplifier as taught by

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Izumiyama et al in order to provide a desire signal intensity at the operating point.

Regarding Claims 6 and 18, Brys discloses, a PCMCIA card, wherein said primary device comprises a portable computer (Column 5, lines 34-38).

Regarding Claims 7 and 19, Brys discloses wherein said primary device comprises a PDA. Brys states that in Column 5, lines 34-38 his PCMCIA circuit card can be used in a palm top computer (PDA).

Regarding Claims 8 and 20, Brys discloses in Figure 1, a PCMCIA card, wherein said primary device comprises a desktop computer (23) (Column 5, lines 34-38).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Berhanu whose telephone number is 571-272-8430. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB



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